

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Mike Milburn, on February 11, 2009 at
3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Mike Milburn, Chairman (R)
Rep. Gordon R. Hendrick, Vice Chairman (R)
Rep. JP Pomnichowski, Vice Chairman (D)
Rep. Tony Belcourt (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Jill Cohenour (D)
Rep. Sue Dickenson (D)
Rep. Betsy Hands (D)
Rep. Brian Hoven (R)
Rep. Tom McGillvray (R)
Rep. Mike Menahan (D)
Rep. Scott Mendenhall (R)
Rep. Mike Miller (R)
Rep. Michele Reinhart (D)
Rep. Kendall Van Dyk (D)
Rep. Chas Vincent (R)
Rep. Wendy Warburton (R)

Members Excused: None.

Members Absent: None.

Staff Present: Shirley Chovanak, Committee Secretary
Joe Kolman, Legislative Branch (LFD)

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 319, 2/5/2009; HB 429, 2/5/2009;
HB 446, 2/5/2009; HB 447, 2/5/2009

Executive Action: None

00:00:02 Chairman Milburn

HEARING ON HB 319

Opening Statement by Sponsor:

00:00:07 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB 319, Require proof of other permit applications for opencut mining.

Proponents' Testimony:

00:03:26 Jean Riley, Resident, East Helena (Res-EH)
00:04:17 Carol Lee-Roark, Resident/Geologist/Engineer, Gallatin Gateway (Res/Rep-GG)
00:07:57 Ryan Williams, Resident/Representative, Casa Grande - East Helena (Res/Rep EH)
00:08:58 James Wilbur, Res-EH
00:12:14 Rich Morse, Consultant, Bozeman (Res-BOZ)
00:13:04 Betty Conard, Resident, Manhattan (Res-Man)
00:16:07 Robert LaRue, Farmer, Gallatin County (FARM-Gal Co)

Opponents' Testimony:

00:20:37 Mike Newton, Fisher Sand and Gravel
[**EXHIBIT\(nah32a01\)**](#)
00:23:42 Jerry Bowser, Old Castle Materials Company
00:30:25 John Ostlund, Montana Association of Counties (MACo)

Informational Testimony:

00:31:24 Judy Hanson, Administrator, Permitting and Compliance Division, Montana Department of Environmental Quality (DEQ)

[**EXHIBIT\(nah32a02\)**](#)

00:32:40 Kent Rice, Legislative Audit Division

[**EXHIBIT\(nah32a03\)**](#)

Questions from Committee Members and Responses:

00:33:12 Rep. Van Dyk
00:33:23 Mr. Newton
00:33:45 Rep. Van Dyk
00:34:24 Mr. Newton
00:34:37 Rep. Van Dyk
00:34:50 Mr. Newton
00:35:07 Rep. Van Dyk
00:36:06 Mr. Newton
00:36:13 Rep. Van Dyk

00:37:09 Ms. Conard
00:38:17 Rep. Dickinson
00:39:23 Ms. Lee-Roark
00:40:50 Rep. Hands
00:41:41 Ms. Lee-Roark
00:42:46 Rep. Hands
00:42:59 Ms. Lee-Roark
00:43:57 Rep. Hands
00:44:54 Mr. Rice
00:45:28 Rep. Hands
00:46:00 Mr. Rice
00:46:38 Rep. Hands
00:47:21 Ms. Hanson
00:47:56 Chairman Milburn
00:48:09 Ms. Hanson
00:48:13 Chairman Milburn
00:48:24 Mr. Kolman, Legislative Services Division (LSD)
00:49:08 Chairman Milburn
00:49:19 Rep. Hands
00:49:27 Christopher Cronin, DEQ
00:49:34 Rep. Hands
00:50:06 Mr. Cronin
00:51:41 Rep. Hands
00:52:10 Mr. Cronin
00:53:57 Rep. Belcourt
00:54:16 Mr. Newton
00:54:44 Rep. Belcourt
00:54:46 Mr. Newton
00:54:48 Rep. Belcourt
00:55:03 Mr. Newton
00:55:17 Rep. Hoven
00:55:40 Mr. Newton
00:56:41 Rep. Hoven
00:56:49 Mr. Newton
00:56:58 Rep. Pomnichowski
00:57:21 Ms. Lee-Roark
00:58:37 Rep. Pomnichowski
00:59:16 Mr. Cronin
00:59:44 Rep. Pomnichowski
00:59:50 Mr. Cronin
01:00:16 Rep. Pomnichowski
01:00:32 Mr. Cronin

Closing by Sponsor:

01:00:53 Rep. Cohenour
01:06:19 Chairman Milburn

HEARING ON HB 429

Opening Statement by Sponsor:

01:07:39 Rep. JP Pomnichowski (D), HD 63, opened the hearing on
HB 429, Annual fees for opencut mining operations.

Proponents' Testimony:

01:13:15 Ms. Lee-Roark
01:13:41 Ms. Riley
01:14:06 Mr. Williams
01:14:31 Mr. Morse
01:16:48 Steve Welch, Resident, Tucker Gulch
01:17:44 Ms. Conard
01:18:30 Mr. Wilbur

Opponents' Testimony:

01:19:42 Steve Wade, Montana Contractors' Association (MCA)
01:19:55 Rep. Cohenour
01:20:36 Mr. Wade
01:22:06 Rep. Cohenour
01:22:09 Chairman Milburn
01:22:12 Rep. Cohenour
01:22:15 Chairman Milburn
01:22:35 Mr. Kolman
01:22:55 Chairman Milburn

EXHIBIT (nah32a04)

01:23:17 Mr. Newton
01:24:12 George Schmidt, Schellinger Construction Company,
Columbia Falls

Informational Testimony:

01:25:14 Ms. Hanson

Questions from Committee Members and Responses:

01:25:26 Rep. Cohenour
01:25:53 Rep. Pomnichowski
01:27:02 Rep. Cohenour
01:27:13 Rep. Pomnichowski
01:27:21 Rep. Dickenson
01:27:58 Rep. Pomnichowski
01:28:51 Rep. Dickenson
01:29:12 Rep. Pomnichowski
01:29:32 Rep. Bennett

01:30:15 Cary Hegreberg, Executive Director, Montana
Contractors' Association
01:30:28 Rep. Bennett
01:30:52 Mr. Hegreberg
01:31:01 Rep. Bennett
01:31:16 Mr. Hegreberg
01:32:02 Rep. Hands
01:32:19 Chairman Milburn
01:33:18 Mr. Hegreberg
01:33:38 Rep. Hands
01:34:01 Chairman Milburn
01:34:12 Rep. Miller
01:34:34 Rep. Pomnichowski
01:34:40 Rep. Mendenhall
01:34:58 Rep. Pomnichowski
01:35:37 Rep. Mendenhall
01:35:50 Rep. Pomnichowski
01:36:09 Rep. Mendenhall
01:36:14 Mr. Wade
01:36:55 Rep. Mendenhall
01:36:59 Mr. Wade

Closing by Sponsor:

01:37:27 Rep. Pomnichowski

HEARING ON HB 446

Opening Statement by Sponsor:

01:39:51 Rep. JP Pomnichowski (D), HD 63, opened the hearing on
HB 446, Revise opencut mining law.

Proponents' Testimony:

01:49:45 Ms. Riley
01:50:37 Ms. Lee-Roark

EXHIBIT (nah32a05)

01:54:29 Mr. LaRue
01:55:35 Mr. Wilbur
01:56:59 Mr. Williams
01:57:30 Mr. Morse
01:58:18 Susan Rabatin, Resident, Gallatin Valley (Res-GG)
01:59:03 Ms. Conard

Opponents' Testimony:

02:00:32 Roger Noble, Resident, Kalispell, MCA

EXHIBIT (nah32a06)

02:10:35 Mr. Wade

02:14:47 John Alke, Attorney, Representing Knife River

02:17:28 Rick Ogle, Portable, Inc., Gallatin Valley

02:18:24 Mr. Ostlund

Informational Testimony:

02:18:50 Ms. Hanson

Questions from Committee Members and Responses:

02:19:03 Ms. Reinhart

02:19:27 Ms. Hanson

02:20:23 Ms. Reinhart

02:20:58 Ms. Lee-Roark

02:21:51 Rep. Hands

02:22:27 Rep. Pomnichowski

02:23:28 Rep. Bennett

02:24:05 Mr. Noble

02:24:55 Chairman Milburn

02:25:34 Ms. Hanson

02:26:28 Chairman Milburn

02:26:37 Ms. Hanson

02:27:12 Rep. Belcourt

02:27:46 Mr. Noble

02:29:00 Rep. Blewett

02:30:23 Rep. Pomnichowski

02:31:41 Rep. Hands

02:32:33 Ms. Lee-Roark

02:33:36 Rep. Hands

02:34:13 Ms. Lee-Roark

02:34:54 Rep. Hands

02:35:01 Ms. Lee-Roark

02:35:20 Rep. Miller

02:35:38 Ms. Lee-Roark

02:36:25 Rep. Reinhart

02:37:20 Ms. Lee-Roark

02:37:54 Rep. Reinhart

02:38:09 Ms. Lee-Roark

Closing by Sponsor:

02:41:05 Rep. Pomnichowski

HEARING ON HB 447

Opening Statement by Sponsor:

02:43:15 Rep. JP Pomnichowski (D), HD 63, opened the hearing on
HB 447, Revise opencut mining laws.

Proponents' Testimony:

02:45:11 Ms. Lee-Roark

EXHIBIT(nah32a07)

02:49:55 Mr. William

02:50:57 Ms. Riley

02:52:31 Ms. Conard

Opponents' Testimony:

02:54:18 Scott Olsen, Helena Sand and Gravel

02:57:31 Mr. Newton

02:59:12 Mr. Noble

03:03:39 Mr. Hegreberg

Informational Testimony:

03:05:27 Ms. Hanson

Questions from Committee Members and Responses:

03:05:41 Rep. Hands

03:06:22 Neil Harrington, DEQ

03:07:22 Rep. Cohenour

03:07:40 Mr. Harrington

Closing by Sponsor:

03:09:20 Rep. Pomnichowski

ADJOURNMENT

03:14:13 Adjournment: 6:20 P.M.

Shirley Chovanak, Secretary

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Additional Documents:

EXHIBIT ([nah32aad.pdf](#))